



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

SCANNER TECHNOLOGIES CORP.,
Plaintiff,

v.

NVIDIA CORP.,
Defendant.

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CIVIL ACTION No. 9:06cv205

ORDER ADOPTING AND OF DISMISSAL

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and recommended disposition of case-dispositive pretrial matters.

Judge Giblin previously conducted a telephonic conference to hear arguments about the appropriate disposition of this case in light of a final judgment entered by United States District Judge Denny Chin in a related proceeding in the Southern District of New York, Case No. 00-CV-04992, *Scanner Tech Corp. v. ICOS Vision Systems Corp. N.V.* On July 10, 2007, Judge Giblin issued a *Report and Recommendation* (#93) based upon that judgment and the telephonic hearing. Judge Giblin recommended that the Court grant Defendant, NVIDIA Corp.'s oral motion to dismiss this proceeding without prejudice. To date, the parties have not filed objections to that recommendation in accordance with 28 U.S.C. § 636(b).

Accordingly, having reviewed the record and Judge Giblin's report, the Court agrees with

the Magistrate Judge's findings and recommended disposition. The Court **ORDERS** that the *Report and Recommendation on Dismissal* (#93) is **ADOPTED**. Judge Giblin's findings and conclusions of law are incorporated in support of this order.

The Court finally **ORDERS** that this civil action is **DISMISSED**, in its entirety, without prejudice to refile. The Clerk of Court is directed to **CLOSE** this case.

So **ORDERED** and **SIGNED** this **26** day of **July, 2007**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge